

ORIGINAL

Decision 89 01 010 JAN 11 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 32ND STREET PIER GROUP, INC., a)
 California corporation, the)
 passenger stage corporation business)
 currently operated by SPENCER J.)
 BIELER, sole shareholder of said)
 corporation, under authority of)
 Decision No. 87-03-084 to sell and)
 transfer all of such shares in said)
 corporation to SAMUEL A. VERTELNEY)
 and LISA VERTELNEY, as individuals,)
 to permit said individuals to)
 acquire and control the certificated)
 passenger stage corporation)
 operations of 32ND STREET PIER)
 GROUP, INC., currently operating)
 under authority of Decision No.)
 87-03-084, a certificate of public)
 convenience and necessity)
 authorizing operation as a passenger)
 stage corporation.)

Application 88-08-039
(Filed August 19, 1988)

OPINION

This is an application in which Samuel A. Vertelney and Lisa Vertelney seek to acquire control of 32nd Street Pier Group, Inc. (Pier Group) through the purchase of all of its capital stock from Spencer J. Bieler.

Notice of the filing of the application appeared in the Commission's Daily Transportation Calendar on August 24, 1988. There are no protests.

The matter was held in abeyance pending the filing of Pier Group's 1987 annual report, which has now been filed. The Commission makes the following findings and conclusions.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. Bieler owns all of the outstanding capital stock of Pier Group. The certificate of public convenience and necessity held by Pier Group was originally issued to Bieler in Decision (D.) 85-10-067, dated October 17, 1985. It was transferred from Bieler to Pier Group under the authority of D.87-03-084, dated March 25, 1987. The certificate authorizes Pier Group to operate as a passenger stage corporation between certain points in the San Diego area (cities of Coronado, National City, and San Diego) on one hand, and San Diego Lindbergh Field, the 32nd Street Naval Station, North Island Naval Air Station, the Marine Corps Recruit Depot, the Naval Training Center, the Anti-Submarine Warfare Base, the Naval Amphibious Base, Naval Air Station Miramar, and Camp Pendleton Marine Corps Base, both on a scheduled and on-call basis, 24 hours per day, seven days per week. Pier Group owns four busses.
3. On July 5, 1988, the parties entered into an agreement in which Bieler agreed to sell all the outstanding shares of Pier Group to Vertelneys for \$74,000, of which \$50,000 was to be paid in cash and the balance, to evidenced by a promissory note, paid over 24 months.
4. As of July 15, 1988, the Vertelneys had a net worth of \$134,858.
5. The Vertelneys have the ability, including financial ability, to acquire control of Pier Group and continue its operations.
6. The proposed acquisition of control of Pier Group by the Vertelneys is not adverse to the public interest.
7. The issuance of a promissory note as a part of the purchase transaction requires a certificate by the Commission, pursuant to PU Code § 816 et seq. and the payment of fees pursuant to PU Code § 1904(b).

8. The proposed security issue is for lawful purposes and the money, property, or labor to be obtained by it are required for these purposes. Proceeds from the security issue may not be charged to operating expenses or income.

9. Since the order only affects the parties to it, it should be made effective on the date of issuance.

Conclusions of Law

1. The application should be granted.
2. Pier Group should be authorized to issue a secured promissory note for \$24,000.

This authorization is not a finding of the value of the rights and properties to be transferred.

ORDER

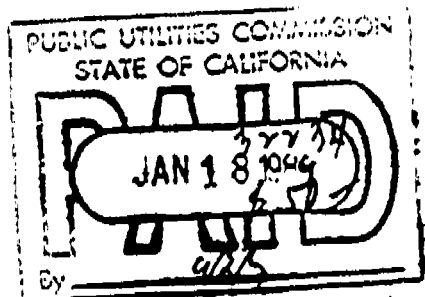
IT IS ORDERED that:

1. Samuel A. Vertelney and Lisa Vertelney are authorized to acquire control of 32nd Street Pier Group, Inc. (Pier Group) by the purchase of capital stock from Spencer J. Bieler in accordance with the terms of the application.
2. Pier Group shall file written notice of the acquisition of control within 15 days after the transactions authorized herein have been consummated.
3. The authority granted in Ordering Paragraph 1 shall expire unless it is exercised before December 31, 1989.

4. The authority granted by this order to issue an evidence of indebtedness will become effective when the issuer pays \$50, set by PU Code § 1904(b).

In all other respects, this order is effective today.

Dated JAN 11 1989, at San Francisco, California.



G. MITCHELL WILK
President
FREDERICK R. DUDA
JOHN B. OHANIAN
Commissioners

Commissioner Stanley W. Hulett
being necessarily absent, did
not participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.

Victor Weiss
Victor Weiss, Executive Director

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